

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

v.

ANTHONY BUCCI

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No. 04-cr-10194-RCL

**MOTION FOR LEAVE TO RE-MORTGAGE PROPERTY
AND FOR SUBORDINATION OF MORTGAGE**

The defendant respectfully moves the Court for leave to re-mortgage in the amount of \$748,000.00 the real property located at 26 Upland Road, Wakefield, Massachusetts that is now partially securing his appearance bond. The defendant stipulates and agrees that the property located at 500 Salem Street, Unit 607, Medford, Massachusetts which is also partially securing his bond shall remain as security for that bond.

In support hereof, the defendant respectfully says:

1. He has given the Clerk of the Court a mortgage in the amount of \$100,000.00 on the Upland Road property to partially secure his release bond.
2. That property has a prior mortgage with an approximate present principal balance of \$653,400.00.
3. That property has an appraised value of \$937,000.00, as shown by the appraisal of Maureen Perry dated February 18, 2005. (That appraisal shall be mailed to the Clerk's office as an attachment to the instant motion).
4. He has been out of work and unable to earn income since his arrest on May 20, 2004.
5. In order to continue to support his family, he wishes to re-mortgage the Upland

- Road property for \$748,000.00.
6. In order to do that, he must first obtain a subordination of the mortgage held by the Clerk to the intended new financing.
 7. The total of the Clerk's existing mortgage and the intended new financing would be \$848,000.00.
 8. There would be remaining \$89,000.00 in equity in the Upland Road property after both mortgages.
 9. Thus, there is more than enough equity in the Wakefield property and the Salem Street, Medford property to secure the defendant's appearance bond.
 10. His wife, child, mother (who is his third-party custodian), and himself currently reside at 26 Upland Road, Wakefield as the family's sole residence.
 11. The government will in no way be prejudiced or its position compromised by the re-mortgage of the property and the subordination of the Clerk's mortgage as requested.

Anthony Bucci
By his attorney,

/s/Michael F. Natola

November 7, 2005

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing motion has been served the above date, electronically, upon Assistant U.S. Attorney John T. McNeil.

/s/ Michael F. Natola
